

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. RB9-2002-0085
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST
MR. ERNEST MORETTI
FORMER SANTA YSABEL CHEVRON, SANTA YSABEL, CALIFORNIA

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held a public hearing on April 10, 2002, to hear evidence and comments on the allegations contained in Complaint No. RB9-2002-0053, dated February 11, 2002, and on the recommendation for administrative assessment of Civil Liability in the amount of \$42,625 finds the following:

1. The Regional Board, under the authority of California Water Code (Water Code) section 13267, ordered Mr. Ernest Moretti, owner of the former Santa Ysabel Chevron Service Station, to submit by February 24, 2000, a technical report delineating the complete extent of petroleum hydrocarbon-bearing soil and groundwater pollution from the former Santa Ysabel Chevron Service Station, 30360 Highway 78, Santa Ysabel, California.
2. Mr. Moretti failed to submit the technical report to the Regional Board. As of April 10, 2002, the report was 775 days late.
3. Under the authority of Water Code section 13268, any person failing to furnish a technical report required by section 13267(b) is guilty of a misdemeanor and may be liable civilly.
4. The Regional Board issued Administrative Civil Liability Complaint No. RB9-2002-0053 on February 11, 2002, to Mr. Moretti, alleging failure to submit the technical report.
5. Consideration of the factors prescribed in Water Code section 13327, based upon information available to the Regional Board prior to the hearing and described in greater detail in the staff report titled, "*California Regional Water Quality Control Board, San Diego Region, Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. RB9-2002-0053, issued to Mr. Ernest Moretti for Noncompliance with California Water Code §13267, Former Santa Ysabel Chevron, 30350 Highway 78, Santa Ysabel, California*" supports assessment of civil liability in the amount of \$42,625 as follows:

\$55 per day for 775 days in violation of Water Code section 13267 for a
total of \$42,625; which includes staff costs of \$14,400.
6. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Code of Regulations, Chapter 3, Title 14, section 15308.

IT IS HEREBY ORDERED that civil liability is imposed on Mr. Moretti, owner of the former Santa Ysabel Chevron Service Station, in the amount of forty-six thousand six hundred twenty-five dollars (\$46,265) and that the rationale for the assessment contained in the staff report titled, *“California Regional Water Quality Control Board, San Diego Region, Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. RB9-2002-0053, issued to Mr. Ernest Moretti for Noncompliance with California Water Code section 13267, Former Santa Ysabel Chevron, 30350 Highway 78, Santa Ysabel, California”* is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on April 10, 2002.

John H. Robertus
Executive Officer